

ESTTA Tracking number: **ESTTA276580**

Filing date: **04/07/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91188399
Party	Plaintiff PEPSICO, INC.
Correspondence Address	Paul J. Reilly Baker Botts LLP 30 Rockefeller Plaza, 44th Fl. New York, NY 10112 UNITED STATES paul.reilly@bakerbotts.com, nytmdpt@bakerbotts.com, amy.waldron@bakerbotts.com, wykyscha.fulton@bakerbotts.com, lauren.emerson@bakerbotts.com
Submission	Motion to Extend
Filer's Name	Lauren Beth Emerson
Filer's e-mail	lauren.emerson@bakerbotts.com, nytmdpt@bakerbotts.com
Signature	/lbe/
Date	04/07/2009
Attachments	motion to extend.PDF ( 3 pages )(59114 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PEPSICO, INC.,	:	
Opposer	:	Opposition No.: 91188399
v.	:	App. Serial No.: 77/511,291
BRYCE KANETA-OGATA.	:	Mark: PEP51
Applicant.	:	
_____	:	

**OPPOSER'S MOTION ON CONSENT TO EXTEND ALL DATES IN THE  
PROCEEDING**

Opposer PepsiCo, Inc., by and through its undersigned counsel, and with the consent of Applicant Bryce Kaneta-Ogata, hereby moves to extend all dates by 90 days effective as of April 7, 2009 in accordance with the following schedule:

Deadline for Discovery Conference:	July 29, 2009
Discovery Opens:	July 29, 2009
Initial Disclosures Due:	August 28, 2009
Expert Disclosures Due:	December 26, 2009
Discovery Closes:	January 25, 2010
Plaintiffs Pre-Trial Disclosures:	March 11, 2010
Plaintiff's 30-day Trial Period Ends:	April 25, 2010
Defendants Pre-Trial Disclosures:	May 10, 2010
Defendant's 30-day Trial Period Ends:	June 24, 2010
Plaintiff's Rebuttal Disclosures:	July 9, 2009

Plaintiff's 15-day Rebuttal Period Ends:

August 8, 2009

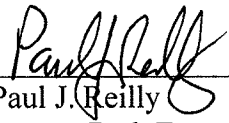
The instant Motion is made in good faith and not for the purposes of delay as the parties are discussing settlement. Applicant gave his consent during a telephonic conference on April 3, 2009.

WHEREFORE, for the reasons stated and the good cause shown herein, Opposer, by its counsel, and with Applicant's consent, respectfully requests that all dates in the proceeding be extended in accordance with the schedule set forth above.

Respectfully submitted,

Dated April 7, 2009

By:

  
Paul J. Reilly  
Lauren Beth Emerson  
Baker Botts, LLP  
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New York, NY 10112-4498  
(212) 408-2500


Attorneys for Opposer,  
PepsiCo, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing, MOTION ON CONSENT TO  
EXTEND ALL DATES IN THE PROCEEDING, was served on the attorney for Applicant via  
email at his email address of record as follows:

bryce@bunkbids.com

on April 7, 2009

By:   
Lauren Beth Emerson